

UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia



United States of America

v.

Wesley L. Cox

)

)

)

)

)

)

Case No. 3:24-mj-65

*Defendant(s)*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 3, 2023 in the county of Henrico in the
Eastern District of Virginia, the defendant(s) violated:Code Section
18 U.S.C. Section 922(g)(1)Offense Description
possession of firearm by person previously convicted of crime punishable by
imprisonment for term exceeding one year

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.

Reviewed by AUSA/SAUSA:

Stephen W. Miller

Complainant's signature

Davis Gooding, TFO ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: July 24, 2024

Judge's signature

City and state: Richmond, Virginia

The Honorable Summer L. Speight, Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Davis Gooding, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Task Force Officer (TFO) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and have been so employed since July 2021. As a TFO, I am authorized to investigate violations of the laws of the United States and am currently engaged in numerous criminal investigations involving violations of federal law. I am a law enforcement officer with authority to execute arrest and search warrants under the authority of the United States. *See 18 U.S.C. § 3051.*
2. I am also a duly sworn Special Agent of the Virginia State Police (VSP) Bureau of Criminal Investigation, Drug Enforcement Section, Richmond Field Office, and have been employed by Virginia State Police since March 2015. I completed the Virginia State Police Basic Law Enforcement Training and more than one year of on-the-job training with the ATF Violent Crime Reduction Task Force in Richmond, Virginia, which included instruction on investigating federal crimes involving firearms, gangs, identity theft, narcotics, arson, violence, explosives and various other topics. Since 2015, I have received further training and experience in interviewing and interrogation techniques, arrest procedures, search and seizure, search warrant applications, and narcotics and various other crimes. I am currently assigned to the ATF Washington Field Division, Richmond Group I.
3. During my employment with VSP, I have conducted and/or participated in numerous investigations involving unlawful activities, including the investigation of gangs/criminal

enterprises, narcotics trafficking, firearm offenses, and violent crimes. I am principally involved in narcotics and narcotics-related investigations, including narcotics investigations related to violent offenses, which often involve the criminal use of firearms.

4. From 2008 to 2012 I worked as a uniformed patrol officer for the Hanover County Sheriff's Office where I responded to law enforcement calls for services, investigated crimes, made arrests, and testified in court. I also received training and experience in this capacity on interviewing and interrogation techniques, arrest procedures, search and seizure, search warrant applications, and narcotics and various other crimes.
5. I make this affidavit in support of an arrest warrant for Wesley L. Cox, (DOB 06/19/1992) for being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). The facts in this affidavit come from my personal observations, my training and experience, documentations, law enforcement databases, and information obtained from other sworn law enforcement officers and/or witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

PROBABLE CAUSE

6. Prior to November 2, 2023, Cox had been convicted of several felony offenses, including possession of a firearm by a person previously convicted of a felony offense. On that offense, he was sentenced to a term of imprisonment of 14 months. Further, he has been placed on probation with the Commonwealth of Virginia. At the start of that period of

probation, Cox signed documents acknowledging that he is a felon and that, as a result, he may not lawfully possess firearms.

7. On or about October 6, 2023, Henrico Police obtained numerous felony arrest warrants against Cox for several alleged offenses. In the ensuing weeks, Virginia State Police and the United States Marshals Service (USMS) Fugitive Task Force assisted Henrico Police in attempting to locate Cox. Initially, law enforcement officers looked for Cox at residences he had listed with various probation offices; however, officers were not able to locate him at these locations.
8. Officers were aware that Cox was on federal probation in addition to state probation. Accordingly, they obtained court authorization to obtain location data for a telephone number Cox had provided to the federal probation office. This technique is known as a telephone “ping.”
9. Over a multiple week period, the ping indicated that Cox was regularly in the vicinity of western Henrico County, though the pings did not establish a specific address. Pings indicated Cox was present in this vicinity in the late night and early morning hours, when most individuals are asleep. The pings regularly showed Cox traveling to Petersburg during the day and evening hours and returning to western Henrico in late night through early morning hours. On November 2, 2023, law enforcement officers conducted surveillance in the vicinity of Garden Club Circle in western Henrico County. At approximately 4:00 pm, your affiant observed an individual I know to be Jessica Boney, whom I also know to be the mother of Cox’s young child, coming and going from 4911 Garden Club Circle Apartment #303. She had with her Cox’s young child and another of her children by a different father. On one

occasion Boney appeared to return to the residence with what appeared to be grocery bags (indicative of long-term stay).

10. At approximately 5:30 pm that same evening your affiant observed an individual I know to be Cox. When I first saw Cox, he was driving a blue Chevy Traverse with Missouri license plates. Cox parked the vehicle next to Boney's vehicle and entered 4911 Garden Club Lane Apartment#303, wearing a green varsity style jacket and dark colored jeans. Surveillance was maintained until approximately 8:45 pm. Later that night, at approximately 9:30 pm, ping data indicated that Cox's telephone left the proximity of that address and travelled to Petersburg but then returned to Western Henrico at approximately 3:54 am at which time the telephone was turned off. When your affiant returned to the area the next morning, I observed the same blue Chevy Traverse; however, it was in a different parking spot a few spaces to the right in front of the apartment building.
11. On the morning of November 3, 2023, Virginia State Police obtained a search warrant for 4911 Garden Club Lane Apartment #303 from a Henrico Circuit Court Judge.
12. After Boney departed the residence, USMS devised a plan to approach the residence to attempt to locate Cox to execute the outstanding felony warrants.
13. As USMS approached the residence and knocked on the door, your affiant observed Cox open a back window and push on the screen. Cox appeared to notice law enforcement and closed the window. USMS continued to knock and announce at the apartment door for about 15 minutes. USMS then made entry to the residence. Cox was inside, coming from a back bedroom. The two small children were also inside. USMS then arrested Cox and transferred him into Henrico Police custody.

14. The residence was then handed over to Virginia State Police who executed the search warrant. In the back bedroom, inside an open plastic tub, wrapped in a brown pants leg was a black Glock 21 .45 caliber handgun serial number VSE235. Also in the plastic tub was a single unfired .45 caliber cartridge round. Close to the tub was a pair of dark colored men's jeans. In one of the pockets authorities located a driver license belonging to Cox. These pants appeared to be the same dark jeans I had observed Cox wearing the prior evening as Cox entered the residence.
15. Authorities also located a Glock magazine loaded with 12 .45 caliber rounds of ammunition in the pocket to a green varsity style jacket that was lying on the floor in the living room. The jacket appeared to be the same jacket your affiant had seen Cox wearing when he had entered the premises the previous evening.
16. Authorities located an additional magazine containing 12 additional .45 caliber rounds of ammunition in the blue Chevy Traverse.
17. The Glock 21 .45 caliber pistol found in the plastic tub, the single .45 caliber round found in the plastic tub, and the Glock magazine located in the green jacket were packaged separately and swabbed separately for DNA by Virginia State Police forensic technicians. The swabs were packaged and sealed per Virginia State Police evidence protocol.
18. On or about November 20, 2023, Virginia State Police obtained a search warrant for COX's DNA and then subsequently obtained buccal swab samples from COX. The samples were sealed and packaged per Virginia State Police protocol.
19. Analysis has determined that Cox cannot be eliminated as a contributor to the mixture of DNA recovered from the Glock 21 .45 caliber handgun or from the .45 caliber Glock magazine

found in the green jacket pocket. Indeed, the DNA profile from the firearm “is approximately 22 quadrillion times more probable if the sample originated from” Cox, and the profile obtained from the magazine “is approximately 5.8 quadrillion times more probable if the sample originated from” Cox.

20. ATF Special Agent James Reisch conducted an interstate nexus examination of the aforementioned Glock 21 .45 caliber handgun and determined that it was not manufactured in the Commonwealth of Virginia and, therefore, traveled in and affected interstate and foreign commerce prior to November 3, 2023.

CONCLUSION

21. Based on the aforementioned information, I respectfully submit there is probable cause to believe that Cox has unlawfully possessed a firearm after having been convicted of a crime punishable by imprisonment for a term exceeding one year, in violation of 18 U.S.C. § 922(g)(1).

Respectfully submitted,



Davis Gooding
Task Force Officer
Bureau of Alcohol, Tobacco,
Firearms, and Explosives

Sworn and subscribed to before me on
July 24, 2024, in Richmond, Virginia.

/s/ *AS*
HON. SUMMER L. SPEIGHT
United States Magistrate Judge
Eastern District of Virginia
Date: